

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

TOMMY LEE MOORE

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CR. NO. 2:07cr262-WKW

**ORDER**

Defendant Moore has been returned to the district after completion of a competency evaluation for which he voluntarily surrendered to the Marshal and was taken into custody. On August 25, 2008, his counsel was notified of the fact that Moore had returned and remained in custody pending a motion for his release.<sup>1</sup> Counsel has not yet filed such a motion, despite a subsequent reminder from the court's staff, and the court deems it inappropriate to continue to hold defendant while awaiting the requested motion from counsel. Accordingly, and for good cause, it is

ORDERED that defendant shall be released by the United States Marshal, subject to the same bond and conditions on which he was originally released on November 2, 2007. It is further

ORDERED that counsel for defendant is DIRECTED to provide a copy of this order

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<sup>1</sup> The court required such a motion for two reasons: (1) defendant may have desired to remain in custody after his voluntary surrender for any of a variety of reasons not ascertainable by the court such as cooperation, access to treatment, convenience, lack of housing, desire for credit toward a possible sentence, or otherwise; and (2) defendant's counsel, rather than the court, should have undertaken the task of determining and communicating to the court whether the government or pre-trial services had any objection to defendant's continued release.

to his supervisors.

DONE, this 2<sup>nd</sup> day of September, 2008.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
CHIEF UNITED STATES MAGISTRATE JUDGE